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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,939

09/12/2003

Frank A. Skraly

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7590

06/08/2009

Pabst Patent Group LLP

1545 PEACHTREE STREET NE

SUITE 320

ATLANTA, GA 30309

EXAMINER

CHOWDHURY, IQBAL HOSSAIN

ART UNIT

PAPER NUMBER

1652

MAIL DATE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* FRANK A. SKRALY

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Appeal No. 2008-4417  
Application 10/661,939  
Technology Center 1600

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Mailed: June 8, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER REMANDING TO EXAMINER

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This application was electronically received by the Board of Patent Appeals and Interferences on June 5, 2008. Upon review of the application, it has been determined that a remand to Examiner, via the Office of the Director of the Technology Center, is necessary to consider the following issues and to take necessary corrective action.

**EXAMINER'S ANSWER, MISSING REFERENCE**

The Examiner relied on the references **Whisstock**, "Prediction of protein function from protein sequence and structure"; **Branden**, "Introduction to protein structure"; **Witkowski**, "Conversion of a beta-ketoacyl synthase to a malonyl decarboxylase by replacement of the active-site cysteine with glutamine"; and **Seffernick**, "Melamine deaminase and atrazine chlorohydrolase: 98 percent identical but functionally different" in rejecting the claims. The above noted references are not of record in the Image File Wrapper (IFW).

**CONCLUSION**

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- 1) obtain the above noted references;
- 2) complete the IFW by having the missing references obtained scanned into the IFW file;
- 3) provide copies of the missing references obtained to Appellant; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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